HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.560 OF 2005.
IN
SUIT NO.1304 OF 1986

Tirupati(Mahalaxmi) Co-operative
Housing Society Ltd. ...Plaintiffs.

V/s.

M/s.Gowani Builders(Pvt.)Ltd.& Ors...Defendants.

Mr.D.V.Merchant i/b N.Hormusjee & Co.for Plaintiffs.

Mr.B.Saraf i/b P.Shroff & Co.for defendant No.1.

Mr.Pravin Diwan with Mr. A.S.Doctor i/b Kanga & co.
for defendant No.2..

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 7, 2005

P.C. :-

1. Not on board. However, by consent, upon mentioning taken on board.

2. This chamber summons is made returnable on 10th June, 2005. However, by consent, upon mentioning, it is taken on board.

3. Heard counsel for the plaintiffs and applicant-defendant No.2. There is enormous delay in filing of the written statement. Explanation has been offered.

But to my mind, the same is not satisfactory. However, by way of indulgence and in the interest of justice, chamber summons is made absolute in terms of prayer clause(a) and (b) on condition that defendant No.2 to pay cost to the plaintiffs, quantified at Rs.7,500/-, to be made over to the plaintiffs or their advocate, on or before 14th June, 2005